

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

The Examiner has again refused to consider the two Chinese references listed under the "Foreign Patent Documents" section of the form PTO-1449 submitted with the Information Disclosure Statement (IDS) originally filed on January 11, 2005. In refusing to consider these references, the Examiner indicates that the IDS does not include a "concise explanation of the relevance" of the two references. However, the Examiner's attention is respectfully drawn to M.P.E.P. §609III.A(3) which explicitly states "[w]here the information listed [in the information disclosure statement] is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." Therefore, it is clear from this section of the M.P.E.P. that an English-language version of a foreign office action indicating the degree of relevance satisfies the concise explanation of relevance requirement.

It is noted that the two references in question were cited in a Chinese Office Action and both the Chinese Office Action and an English-language version of the Chinese Office Action were submitted to the PTO at the time of filing the IDS. Thus, the requirement for a concise explanation of relevance has been met for these references. Based on the submission of these documents, it is unclear as to why the Examiner continues to refuse to consider these references. However, it is respectfully requested that the Examiner now consider these references and forward a completely initialed copy of the form PTO-1449 originally filed on January 11, 2005. Enclosed herewith are copies of both the Chinese Office Action and the English-language version of the Chinese Office Action for the Examiner's review in case they have been misplaced by the PTO and this is the reason for the Examiner's failure to consider the references.

Claims 1-10, 12-21, 23 and 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Gish (US 6,038,590). Claims 11 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gish in view of Abdelnur (US 6,212,640).

Claim 1 has been amended so as to include the limitations of dependent claims 7-9, and claim 12 has been amended so as to include the limitations of dependent claims 18-20. Since

claims 1 and 12 have been amended so as to include limitations from claims previously presented, the amendments should necessarily be given due consideration by the Examiner.

Further, claims 7-9 and 18-20 have been canceled without prejudice or disclaimer to the subject matter contained therein. Also, it is noted that claims 10 and 11 have been amended so as to depend from claim 1, and claims 21 and 22 have been amended so as to depend from claim 12.

The above-mentioned rejections are respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over Gish, since claim 1 recites an information terminal device for processing instruction data describing an instruction transmitted from a server, the information terminal device including, in part, a determining unit for determining an application corresponding to the instruction data; an operation control unit for extracting, from analysis result data, message data for display to a user, and generating a display message by replacing at least part of a default message included in the application and previously set for display to the user with the display message represented by the message data; an execution checking unit for determining whether the application is to be executed based on the message data extracted by the operation control unit; an application executing unit for, when the execution checking unit determines that the application is to be executed, extracting from the analysis result data operation data representing an operation for the message data, and carrying out an operation based on the application by following the operation data, wherein a display unit displays the display message generated by the operation control unit for prompting the user to answer whether to execute the application, and when the user enters an answer as to whether to execute the application based on the display message displayed on the display unit, the execution checking unit determines whether the application is to be executed. Gish fails to disclose or suggest the execution checking unit of claim 1.

Gish discloses a computing system that includes a client (front end) program and server (back end) program that are coupled via a network. Upon application start-up, the client program executes a start-up program that collects information about the client and sends the information to the server. This information can include a user name, password and application name. Upon receiving the information, the server executes an authentication program to authenticate the client. If the client is authenticated, the server then invokes an application (app)

manager based on the application name. The app manager handles application definitions installed on the server. The app manager selects the appropriate back end program stored on the server and initiates processing of the back end program on the server. The app manager also selects the application front end program associated with the back end program, which is also stored on the server, and downloads the front end program to the client to be executed thereby. (See column 18, lines 57-67; column 48, lines 14-19; and column 52, lines 44-56).

In the rejection, the start up program (applet) executed by the client when a user requests the execution of an application and the app manager executed by the server are both referenced as corresponding to the claimed execution checking unit. However, the execution checking unit is recited as being operable to determine whether an application is to be executed based on message data. Further, the message data is recited as being extracted from analysis result data, which is generated based on instruction data transmitted from a server. In other words, the execution checking unit makes a determination whether the application is to be executed based on the message data which is indirectly based on the instruction data from the server. On the other hand, Gish fails to disclose or suggest that the start up program is in any way indirectly based on data transmitted from the server. Instead, it appears that the start up program is executed by the client prior to contacting the server, since the start up program transmits the user name and password to the server in order for the server to authorize the client and then transmit the appropriate front end program back to the client. Further, the app manager makes the program selections based on the information transmitted from the client and is itself located on the server. As a result, Gish fails to disclose or suggest the present invention as recited in claim 1.

Further, Abdelnur is relied upon in the Office Action as disclosing digital signature data. However, it is apparent that Abdelnur fails to disclose or suggest the above-discussed feature of claim 1.

As for claim 12, it is patentable over Gish and Abdelnur for reasons similar to those discussed above in support of claim 1. That is, claim 12 recites, in part, an execution checking operation of determining whether an application is to be executed based on message data extracted in an operation controlling operation, wherein when a user enters an answer as to whether to execute the application based on a display message displayed in a display operation,

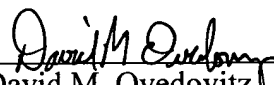
the execution checking operation determines whether the application is to be executed, which feature is not disclosed or suggested by the references.

Because of the above-mentioned distinctions, it is believed clear that claims 1-6, 10-17 and 21-24 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-6, 10-17 and 21-24. Therefore, it is submitted that claims 1-6, 10-17 and 21-24 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,


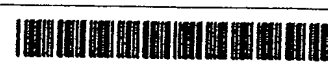
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November 28, 2005



中华人民共和国国家知识产权局

邮政编码: 200233 上海桂平路 435 号 上海专利商标事务所 沈昭坤		发文日期 
申请号: 021023174 		
申请人: 松下电器产业株式会社		
发明创造名称: 信息终端装置以及在其上执行的程序		

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第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:
JP 专利局的申请日 2001 年 01 月 19 日为优先权日,
JP 专利局的申请日 2001 年 01 月 25 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的
- 审查针对的申请文件:
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
编号 文件号或名称 公开日期(或抵触申请的申请日)
1 CN1196521A 1998. 10. 21
2 CN1132451A 1996. 10. 2
- 审查的结论性意见:
☐ 关于说明书:
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

- ☐说明书不符合专利法第 26 条第 3 款的规定。
☐说明书不符合专利法第 33 条的规定。
☐说明书的撰写不符合实施细则第 18 条的规定。
☐

☒关于权利要求书:

- ☐权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
☒权利要求 1 不具备专利法第 22 条第 3 款规定的创造性。
☐权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☒权利要求 12-22 属于专利法第 25 条规定的不授予专利权的范围。
☐权利要求 不符合专利法第 26 条第 4 款的规定。
☐权利要求 不符合专利法第 31 条第 1 款的规定。
☐权利要求 不符合专利法第 33 条的规定。
☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☒权利要求 2 不符合专利法实施细则第 20 条的规定。
☐权利要求 不符合专利法实施细则第 21 条的规定。
☐权利要求 不符合专利法实施细则第 22 条的规定。
☐权利要求 不符合专利法实施细则第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒引用的对比文件的复印件共 2 份 7 页。 ☐

审查员: 徐薇 (A)

2004 年 9 月 26 日



审查部门 电学发明审查部



**THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA**

Address: No. 6 Xi Tucheng Lu, Jimeng Qiao Haidian District, Beijing Post code: 100088 P.O. BOX: Beijing 8020

Shanghai Patent & Trademark Law Office

Date of Dispatch
October 15, 2004

Application No.: 02102317.4	Applicant: Matsushita Electric Industrial Co., Ltd.
Application Date: January 18, 2002	Agent:
Title: INFORMATION TERMINAL DEVICE AND PROGRAM EXECUTED THEREON	

NOTICE ON OFFICE ACTION

1. ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
- ☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
2. ☒ The applicant has requested that the filling date of
 Jan 19, 2001 at the JP Patent Office as the priority date,
 Jan 25, 2001 at the JP Patent Office as the priority date,
 _____ at the _____ Patent Office as the priority date,
 _____ at the _____ Patent Office as the priority date,
- ☒ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.
- ☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.
- ☐ This application is a PCT application.
3. ☐ The applicant submitted on _____ and _____ the amendment documents.
 On examination, among them,
 the _____ submitted on _____ can not be accepted.
 the _____ submitted on _____ can not be accepted.
- Because the above amendment
- ☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,
- ☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,
- Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted

4. ☒ The examination has been proceeded on the original application documents.
☐ The examination is directed at the following application documents:
 Claim _____, page _____ of the specification, page _____ of the drawing of the original application documents submitted on the date of filing.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.
 Abstract of the specification submitted on _____, the drawing of the Abstract submitted on _____.

5. ☐ This Notice is made under the condition of no search having been conducted.
☒ This Notice is made under the condition of search having been conducted.
☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	CN1196521A	1998-10-21
2	CN1132451A	1996-10-2
3		
4		

6. The conclusive opinion drawn from the examination:

☐ As regards the Specification:

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.
☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.
☐ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ As regards the Claims:

- ☐ Claim _____ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.
☒ Claim 1 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.
☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.
☒ Claim 12-22 falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.
☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.
☐ Claim _____ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.
☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
☒ Claim 2 does not conform with the provisions of Rules 20 of the Implementing Regulations.
☐ Claim _____ does not conform with the provisions of Rules 21 of the Implementing Regulations.
☐ Claim _____ does not conform with the provisions of Rules 22 of the Implementing Regulations.
☐ Claim _____ does not conform with the provisions of Rules 23 of the Implementing Regulations.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:
- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
 - ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
 - ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.
8. The applicant is asked to note the following items:
- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
 - (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
 - (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
 - (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.
9. The text portion of this Notice totals 2 page(s), and includes the following attachment(s):
- ☒ duplicate copy(ies) of cited comparison document(s), altogether 2 copy(ies) 7 pages.
 - ☐

Examination Department: _____ Examiner(Seal): _____

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